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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,731	12/21/2001	Jeffrey G. Tarrant	61109-0003	5039

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EXAMINER

MILEF, ELDA G

ART UNIT	PAPER NUMBER
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3692

MAIL DATE	DELIVERY MODE
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07/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/029,731	TARRANT, JEFFREY G.	
	Examiner	Art Unit	
	Elda Milef	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/17/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4, 6,8, 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bettis et al. (U.S. Patent No. 7,016,872) in view of Kam et al. (US PG. Pub. No. 2001/0042037).

Re claim 1: Bettis disclose:

(a) receiving data regarding a particular investment over a computer network from a first user computer ("individual/entities may provide all confidential data to the administrator of the scoring/ranking system of the present invention...")-see col. 4 (24-28), col. 12, col. 16 (14-28) Figure 20; (b) storing the data from the first user in a relational database-see Fig. 20 (294). Although Bettis do disclose confidential and nonpublic information is provided to administrator of the scoring/ranking system, Bettis do not specifically disclose the data is from the computer associated

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with the first user. Kam however, teaches a system of performance ranking of advice so that the investor knows the track record of a particular advisor and ranking investors as Best Investor Members. Kam further teaches ("the computer system spans and facilitates all the BI, subscriber and public communication interactions and back room operations of the inventive business model and system of the invention. The interactive arrows to and through the computer system and operations indicate that the respective features and interactions are computerized and pass through and are executed via computer system 40").-see para. 72 and Fig. 2, pars. 29, 33, 35, 79. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bettis to specifically include that the data regarding an investment is transmitted from the investor's computer as taught by Kam, in order to provide a system that will process the transmitted data resulting in ranking of the investor based partly on investment decisions.

Bettis further disclose:

identifying the data as coming from the first user, wherein the first user is identified as a member of a hierarchy of sources organized by level of trustworthiness("In addition to

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listing the highest performing investors, interface 500 may also be linked to or used to display information concerning each investor and /or the corresponding security...")-see col. 16 (14-28) and Figs. 7 (710), ("The Insider Scoring is an insider performance measurement. In this example, all of the insiders listed in, for example, a database, in this case, the Insider Universe, are evaluated.")-see col. 4 (32-35);

(c) receiving a request over the computer network from a second user for data from the relational database regarding the particular investment ("In use, a user may advantageously view the information...the highest performing investors' with respect to either buy and/or sell transactions...")-see col. 16 (52-60), and figs. 5&6; and

(d) in response to the request from the second user, transmitting the data from the relational database to a second user computer-see Figs. 5-6B, and 20, wherein, absent a request from the second user for data from a specific source or level of trustworthiness, the data transmitted comprise data from users of the highest level of trustworthiness available-see Fig. 5 ("Insider Scoreboard"), col. 15 (30-40).

Re claim 2: Bettis disclose wherein the data received from the first user comprises alternative investment data.-see col. 16 (14-60).

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Re claim 3: Bettis disclose wherein sources of at least one level of trustworthiness comprise investment managers, fund administrators, or fund sponsors. ("In addition, it should be noted that although in this particular embodiment corporate securities are mentioned as being one example of the investor's trading decision or investment, the instant invention is also applicable to and should be construed as encompassing any other form of similar investment. Some examples include bonds, currencies, commodities, paper, precious metals, minerals, natural resources, mutual funds, and the like or any other analogous investments and/or investment entities.") -see col. 15 (58-67). ("Furthermore, the concepts of the present invention are applicable to entities investing in investments other than securities, such as bonds, mutual funds, or any other similar investments.")-see col.17 (26-30) also, see col. 12 (6-12), and fig. 1.

Re claim 4: Bettis disclose:

wherein sources of at least one level of trustworthiness comprise investors, and wherein the at least one level of trustworthiness whose sources comprise investors is subdivided into two or more sublevels that are determined at least partly by reliability of previously submitted information.-see col. 15 -col. 16; col. 3 lines 24-65.

Re claim 6: Bettis disclose:

wherein the alternative investment data from the first user comprises fund data.-see col. 15 (58-67).

Re claims 8, 10-13: Further a system would have been necessary to perform the method of previously rejected claims 1, 2-5 and are therefore rejected using the same art and rationale.

Re claim 9: Bettis disclose:

(a) a central database;

(b) a central server linked to the central database and linked to a computer network; wherein the central database is a relational database configured to identify at least some data with the source of the data; and wherein each data source is designated as a member of a hierarchy of sources organized by level of trustworthiness.-see Figs. 7-15, Fig. 20, cols. 23-26.

Re claim 14: Bettis disclose:

(a) providing over a computer network in a secure manner to a central server data regarding one or more alternative investments, wherein the alternative investment data comprises financial data and information indicating at least one source of the financial data;

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(b) requesting information regarding one or more alternative investments; and

(c) receiving information comprising the requested information;

wherein the central server is in communication with a central database that is a relational database configured to identify at least some data with the source of the data; and

wherein each data source is designated as a member of a hierarchy of sources organized by level of trustworthiness.

-see cols. 4 (24-25), col. 12, col. 16 (14-28), figs. 7, 20.

2. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bettis in view of Kam in further view of Gatto (US Patent No. 6,681,211).

Re claim 5: Bettis disclose:

wherein sources of at least one level of trustworthiness comprise investors, and wherein the at least one level of trustworthiness whose sources comprise investors is subdivided into two or more sublevels-see col. 15 (30-40), col. 16 (15-60), col. 17; see col. 2 lines 3-9;

Bettis and Kam do not specifically disclose wherein an investor's sublevel is determined at least partly by the amount of demand for the investor's information by other investors.

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Gatto however, teaches ("A user may divide broker lists by size, reputation, historical accuracy, affiliation with a stock (e.g., market maker, etc.), or other criteria...For example, larger brokerage firms or firms with better reputations may be classified in Group #3 and given a higher N-score.")-see col. 21 (50)-col. 22 line 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bettis and Kam to include grouping brokers according to user specified criteria such as reputation as taught by Gatto in order to classify brokers into groups according to attributes that are important to the user to aid the user in investment decisions.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bettis in view Kam, in view of Harris (US Patent No. 5,517,406) in further view of Gatto (US Patent No. 6,681,211).

Re claim 7: Bettis and Kam do not specifically disclose (a) attempting to match an unrecognized fund with existing fund records; (b) if no match is found, searching existing fund records using a sounds-like function; (c) if no match is found by step (b), identifying the unrecognized fund as a new fund.

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Harris however, teaches ("if the company is new for the account, then in step 1608, the fund table for the new management company is loaded.")-see col. 14 lines 10-16, col. 14 line 65-col. 15 line 3.

Bettis, Kam, and Harris do not teach (d) if multiple matches are found by step (b), transmitting a list of the matches to the first user, with a request to identify the correct fund. Gatto however, teaches matching strings (data elements in programming languages)-see col. 9, lines 10-22, and the user selecting the desired string from a list of matches. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bettis and Kam to include matching unidentified data with existing records to determine if data is new to the system as taught by Harris and providing a list of matches to the user in order to select the desired string as taught by Gatto in order to detect possible errors and maintain data integrity.

Response to Arguments

4. Applicant's arguments filed 4/17/2007 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., non-

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public information) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, the applicant's attention is directed to col. 4 lines 20-28 wherein Bettis disclose ("Alternatively, confidential and other nonpublic data may also be used to rank the investing individuals and/or entities...For example, individuals/entities may provide all confidential data to the administrator of the scoring/ranking system of the present invention...").

In response to the applicant's argument that Bettis does not disclose the trustworthiness limitation, the applicant's attention is directed to col. 3 lines 24-65 wherein Bettis teaches ("It is another feature and advantage of the present invention to provide a system...for providing not only information concerning an insider or trader's actions, but also information pertaining to the reliability of a particular insider's or trader's actions.") and ("Thus, a need exists for a system, method, and computer readable medium containing instructions utilizable for providing not only information concerning an insider's or trader's actions, but also information pertaining

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to the reliability of a particular insider's or trader's actions.")-see col. 2 lines 3-9. The word reliability is synonymous with trustworthiness.

Bettis further disclose ("It is another feature and advantage of the present invention to provide a system...for not only disseminating information concerning an insider's or trader's actions, but also for evaluating the insider's or trader's performance...This evaluation includes determining a performance score indicative of the investor's performance relative to other investors"). Bettis also disclose("this performance score may be used to produce a ranked list of investors in a particular industry...")-see col. 4 lines 7-10.

The applicant's additional arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"Reliable" Def. The Random House College Dictionary. Revised Edition. 1988.

Lewis, Norman. The New Roget's Thesaurus of the English Language. Library Edition. 1978. p. 398 ("reliable" definition).

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elda Milef whose telephone number is (571)272-8124. The examiner can normally be reached on Monday -Thursday 8:30 am to 4:30pm.

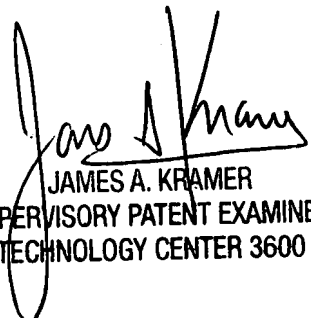
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571)272-6783. The fax phone number for the

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organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Elda Milef
Examiner
Art Unit 3692

 7/2/07
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